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Attorney for Plaintiffs  
STEEP HILL LABORATORIES, INC. and  
JMICHAELE KELLER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEEP HILL LABORATORIES, INC., and  
JMICHAELE KELLER,

Plaintiffs,

v. `

DAVID H. MOORE, an individual, and DOES  
1 through 10, inclusive,

Defendants.

AND RELATED COUNTERCLAIM.

Case No. 3:18-cv-00373-LB

**PLAINTIFFS' CASE MANAGEMENT  
STATEMENT AND REQUEST FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE**

Date: August 22, 2019  
Time: 11:00 a.m.

Trial Date: None set.  
Date Action Filed: December 20, 2017

1 The parties agree that the Court has subject matter jurisdiction over all claims and  
2 counterclaims pursuant to 28 U.S.C. §§ 1332(a)(3). No issues exist regarding personal  
3 jurisdiction or venue. All named parties have been served.

4 On December 20, 2017, Keller and Steep Hill filed a complaint against  
5 Defendant/Counter-Claimant David H. Moore (“Moore”) in Alameda County Superior Court for  
6 (1) defamation, (2) invasion of privacy, (3) intentional interference with economic relations, (4)  
7 intentional interference with contractual relations, (5) civil stalking, (6) breach of contract and (7)  
8 intentional infliction of emotional distress. On January 4, 2018, Plaintiffs also obtained a  
9 temporary restraining order (“TRO”) prohibiting Moore from (1) maintaining any website  
10 including defamatory statements about Plaintiffs, including taking down the website  
11 <http://davidhmoore.weebly.com/meeting-matrix.html> and all related content; (2) distributing any  
12 type of defamatory communication about Plaintiffs, including flyers and e-mails; and (3) going  
13 within 100 feet of Plaintiff Keller or of Steep Hill Laboratories, Inc.’s business address.  
14 Defendant removed this case to the Northern District of California and filed an Anti-SLAPP  
15 motion, which was denied, with the denial upheld on appeal. Defendant then filed cross-claims  
16 against Steep Hill and Keller, stemming almost exclusively from Keller and Defendant’s prior  
17 business relationship, which ended in 2002. Keller is no longer employed by Steep Hill or  
18 serving in any managerial or operational capacity for the business. Keller regularly resides in the  
19 Netherlands. Moore regularly resides in Nevada.

20 The parties negotiated the terms of a settlement in around August 30, 2018. Moore,  
21 however, refused to sign a long-form agreement memorializing the terms agreed upon via email  
22 correspondence. On April 4, 2019, the parties participated in a telephonic Settlement Conference  
23 before Hon. Laurel Beeler, at the close of which Moore agreed to accept the terms of the  
24 previously-negotiated settlement. The only differing term was a lower cash payment to Mr.  
25 Moore than had previously been negotiated. At the close of the Conference, Judge Beeler read  
26 the material terms of the agreement into the record, with the parties to formalize a written, long-  
27 form, agreement thereafter. On April 4, 2019, counsel for Plaintiffs circulated a proposed long-  
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1 form agreement to all parties (Moore, Steep Hill, and Keller), seeking signature on same. None  
2 of the parties have signed the agreement to date.

3 Given the foregoing, Plaintiffs respectfully ask that this Court postpone the scheduled  
4 Case Management Conference for 45 days to afford the parties time to attempt to informally  
5 resolve this issue without requiring motion practice. Plaintiffs hope to avoid incurring the  
6 expense associated with continued Court involvement.

7  
8 Dated: August 7, 2019

VEDDER PRICE (CA), LLP

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10 By: /s/ Heather M. Sager  
Heather M. Sager

11 Attorney for Plaintiffs  
12 STEEP HILL LABORATORIES, INC. and  
13 JMICHAELE KELLER  
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